

FILED
COURT, CHARLOTTE, N.C.
NORTH CAROLINA
2004 SEP -7 PM 3:59

2004 SE1
U.S. DISTRICT COURT
CIVIL FILE NO.: 3:04CV425 N.C.

The Bureaus, Inc.
Defendant

STATEMENT OF FACTS

- 1) Plaintiff claims an amount of \$75,000 as being due from said Defendant for violations of the Fair Debt Collection Practices Act (FDCPA) and the Fair Credit Reporting Act (FCRA)
- 2) Plaintiff is a resident of Mecklenburg County, North Carolina.
- 3) Defendant is a Debt Collector as defined by the FDCPA doing business under the name of The Bureaus, Inc.
- 4) On or about December, 3 2003, Defendant mailed a collection letter, via 1st class mail, to the Plaintiff, seeking to collect \$18,716.76 for an alleged debt.
- 5) On or about December 15, 2003, Plaintiff mailed a dispute letter to the Defendant, disputing the alleged debt and requested validation and verification of the alleged debt in the amount of \$18,716.76.

- 6) Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 5 hereinabove.
- 7) The Plaintiff notified the Defendant in writing within the thirty-day period that the debt is disputed.
- 8) The Defendant has violated **§ 809. Validation of debts [15 USC 1692g]**

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disputed, or that the consumer requests the name and address of the original creditor, the debt collector shall cease collection of the debt, or any disputed portion thereof, until the debt collector obtains verification of the debt or any copy of a judgment, or the name and address of the original creditor, and a copy of such verification or judgment, or name and address of the original creditor, is mailed to the consumer by the debt collector.

- 9) The Defendant reported the alleged debt to the credit bureau(s) to be reported on the credit file(s) of the Plaintiff for a period of seven years.
- 10) The Federal Trade Commission and the courts have ruled that reporting information to the credit bureaus, without validating the disputed debt to the consumer, represents "continued collection activity" in violation of the Fair Debt Collection Practices Act **§ 809. Validation of debts [15 USC 1692g]**
- 11) The Defendant reported the disputed debt to the credit bureau(s) without reporting that the debt is disputed.
- 12) The Defendant has violated **§ 807. False or misleading representations [15 USC 1692e]**

(8) Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed.

- 13) Per **§ 813. Civil liability [15 USC 1692k]**, the Plaintiff is entitled to \$1,000 in damages plus the costs and fees associated with bringing this action.

THEREFORE Plaintiff requests judgment against Defendant for damages of \$1,000 plus costs and fees.

Plaintiff requests a jury trial.

COUNT II - VIOLATION OF THE FAIR CREDIT REPORTING ACT

- 14) Plaintiff re-alleges the allegations set forth in Paragraphs 1 through 13 hereinabove.
- 15) The debt has been disputed by the Plaintiff to the Defendant in writing.
- 16) The debt has been reported by the Defendant to the credit bureaus on the credit file of the Plaintiff.
- 17) The Plaintiff has disputed the debt to the credit bureau.
- 18) The credit bureau has verified with the Defendant that the debt is accurate.
- 19) Defendant violated **§ 605. Requirements relating to information contained in consumer reports [15 U.S.C. § 1681c]** (f) Indication of dispute by consumer.

20) Defendant violated **§ 623. Responsibilities of furnishers of information to consumer reporting agencies** [15 U.S.C. § 1681s-2] (a) Duty of furnishers of information to provide accurate information. (b) Duties of furnishers of information upon notice of dispute.

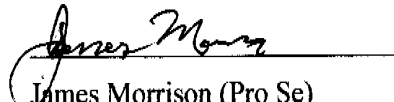
21) Per **§ 616. Civil liability for willful noncompliance** [15 U.S.C. § 1681n] and **§ 617. Civil liability for negligent noncompliance** [15 U.S.C. § 1681o], the Plaintiff is entitled to damages of \$1,000 plus punitive damages as the court may allow.

THEREFORE Plaintiff requests judgment against Defendant for damages of \$1,000 plus punitive damages in the amount of \$73,000, plus costs and fees.

Plaintiff requests a jury trial.

WHEREAS the Defendant has willfully and/or negligently violated the rights of Plaintiff, Plaintiff respectfully asks the court for relief.

FURTHER, sayeth naught.


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